

Law Office Of

Joaquin Perez

6780 Coral Way • Miami, Florida 33155
Phone (305) 261-4000 • Fax (305) 662-4067
jplaw1@bellsouth.net
(Also admitted in Massachusetts and Rhode Island)

MEMO ENDORSED

March 14, 2019

Via ECF & Email

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: United States v. Fredy Najera Montoya
1:15-cr-00378-PGG-1

Defense counsel is authorized to obtain a transcript of the Oct. 30, 2018 *ex parte* conference and the Dec. 3, 2018 *ex parte* conference. The Court's reasoning for denying the request to adjourn the trial date is set forth in Dkt. No. 80. Counsel is also authorized to obtain a copy of Dkt. No. 80.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.
April 30, 2019

Dear Judge Gardephe:

In the process of reviewing the docket in the above entitled case, I noticed there were several matters that were sealed that the undersigned would like to review with Mr. Najera-Montoya. For instance, on October 31, 2018, there was an order denying Mr. Rocha's Motion to Withdraw [D.E. 35]. [D.E. 44]. Docket Entry 44 states that the "transcript of the October 30, 2018 *ex parte* conference is sealed and is to be made available only to Defendant upon request." D.E. 44. On behalf of Mr. Najera-Montoya, I am herein requesting permission to obtain a transcript of the aforementioned *ex parte* conference.

Similarly, on December 3, 2018, a status conference was held with Mr. Najera-Montoya and defense counsel Victor Rocha. [Docket Number not reflected]. However, on December 4, 2018, a sealed document was placed in the vault, which I presume deals with the events that took place at the hearing on December 3, 2018.

Finally, there is Docket Entry 74 that indicates that "Defendant's request for an adjournment of the trial date is denied. The reason for the Court's decision will be set forth in a separate order." [D.E. 74]. In reviewing the voluminous records in this case, I was unable to locate a copy of the order denying the request for an adjournment of the trial date.

Since the request herein pertains to matters of public record or, matters that are only germane to Mr. Najera or his then-counsel, I have not sought the government's consent for the release of this information. Should the Court deem it necessary to secure their approval or to have a hearing on this matter, the undersigned will proceed to abide by your request.

Respectfully submitted,

Joaquin G. Perez
JOAQUIN G. PEREZ, ESQ.